

2003 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB752)**Received: **02/03/2004**Received By: **gmalaise**Wanted: **Soon**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**By/Representing: **Ryan Gruber**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Building code or zoning violations; remedies

Instructions:

Draft sub. folding in a2022/1 and a2064/P1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/03/2004	kgilfoy 02/13/2004		_____			
/1			jfrantze 02/16/2004	_____	sbasford 02/16/2004	sbasford 02/16/2004	

FE Sent For:

<END>

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1?	gmalaise	1-2/13 Kmg	2/13	2/13			

FE Sent For:

<END>



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2022/1
GMM:jld:jf

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 752

At the locations indicated, amend the bill as follows:

1. Page 2, line 5: delete "municipal" and substitute "county, city, village, or town".

2. Page 2, line 6: delete "municipality" and substitute "county, city, village, or town".

3. Page 2, line 9: delete "party seeking the order" and substitute "person who owns the property".

4. Page 2, line 10: delete "municipality" and substitute "county, city, village, or town".

5. Page 2, line 13: delete "municipality" and substitute "county, city, village, or town".

6. Page 2, line 16: delete "municipality" and substitute "county, city, village, or town".

3 **8.** Page 3, line 4: delete “municipality” and substitute “county, city, village, or
4 town”.

5 (END)

Malaise, Gordon

From: Malaise, Gordon
Sent: Thursday, January 29, 2004 5:04 PM
To: Dyke, Don
Subject: AB752

Don:

One simple solution would to insert after "permit," on page 2, lines 9, 12, and 21, "if the violation is not due to damage to the structure arising after the construction of the structure,".

This language would take in fire damage, water, damage, or damage from any other cause that occurs after the construction of the structure, including damage caused by the negligence or willful misconduct of the owner in letting the building get run down.

If this looks OK to you, I will go ahead and draft an amendment for Rep. Albers.

Gordon



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa2064/P1
GMM:jld:rs

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 752

At the locations indicated, amend the bill as follows:

1. Page 2, line 9: after "permit," insert "if the violation is not due to damage to or other change in the structure arising after the construction of the structure,".

2. Page 2, line 12: after "permit," insert "if the violation is not due to damage to or other change in the structure arising after the construction of the structure,".

3. Page 2, line 21: after "permit," insert "if the violation is not due to damage to or other change in the structure arising after the construction of the structure,".

(END)

2003

Date (time)
needed

Soon

LRBs 0332, 1

**SUBSTITUTE AMENDMENT
[TO A BILL]**

GMM: Kmg:

Use the appropriate components and routines developed for substitute amendments.

§ (A) [SUBSTITUTE AMENDMENT]

TO 2003 SB (AB) 752 (LRB-)

AN ACT ... [generate catalog] *to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ...* of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2003 ASSEMBLY BILL 752

if the violation is not due to damage to or other change in the structure arising after the construction of the structure,

January 14, 2004 - Introduced by Representatives ALBERS, JENSEN, AINSWORTH, MINES, MUSSER, NASS, TOWNSEND and VAN ROY. Referred to Committee on Judiciary.

of a county, city, village, or town (political subdivision)

substitute amendment

- 1 ~~AN ACT to create~~ 807.16 of the statutes, relating to: remedies in certain actions
- 2 concerning building code or zoning ordinance violations.

political subdivision

Analysis by the Legislative Reference Bureau

This bill specifies that, in any action in which a party seeks an order directing a person to raze, move, or modify a structure located on real property owned by the person as a result of the structure being in violation of a municipal building code or zoning ordinance, any municipality that issued a permit for the construction of the structure must be made a party to the action. If the permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, and if the party seeking the order consents, the court may order the municipality to grant a variance for the structure. With certain limited exceptions, if the court orders the person to raze the structure, the court must order the municipality to pay to the person an amount equal to the sum of all of the following: (a) the reasonable attorney fees incurred by the person in defending the action; (b) any fees paid by the person to the municipality with regard to the construction of the structure; (c) the total cost of labor and materials for construction of the structure; and (d) the total cost of razing the structure. With certain limited exceptions, if the court orders the person to move or modify the structure, the court must order the municipality to pay to the person an amount equal to the sum of all of the following: (a) the reasonable attorney fees incurred by the person in defending the action; (b) any fees paid by the person to the municipality with regard to the construction of the structure; and (c) the total cost of moving or modifying the structure. The remedies provided under this bill may be ordered in addition to or in lieu of any other remedy provided by law.

person who owns the property

political subdivision

substitute amendment

(1) In this section, "political subdivision" means a county, city, village, or town.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 807.16 of the statutes is created to read:

807.16 Actions concerning building code or zoning ordinance

violations. (1) In any action in which a party seeks an order directing a person to raze, move, or modify a structure located on real property owned by the person as a

result of the structure being in violation of a ~~building code~~ building code or zoning ordinance, any ~~municipality~~ political subdivision that issued a permit for the construction of the structure

shall be made a party to the action.

(3) (1) If the permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, and if the ~~party seeking the order~~ person who owns the property

consents, the court may order the ~~municipality~~ political subdivision to grant a variance for the structure.

(4) (2) If the permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, and if the court orders the person to raze the structure, the court shall order the ~~municipality~~ political subdivision to pay to the person an amount equal to the sum of all of the following:

(a) The reasonable attorney fees incurred by the person in defending the action.

(b) Any fees paid by the person to the ~~municipality~~ political subdivision with regard to the construction of the structure.

(c) The total cost of labor and materials for construction of the structure.

(d) The total cost of razing the structure.

(5) (3) If the permit was issued based upon an accurate application, if the structure was constructed in accordance with the permit, and if the court orders the person to

ASSEMBLY BILL 752

SECTION 1

- (1) move or modify the structure, the court shall order the ~~municipality~~ ^{political subdivision} to pay to the person an amount equal to the sum of all of the following:
- (a) The reasonable attorney fees incurred by the person in defending the action.
- (b) Any fees paid by the person to the ~~municipality~~ ^{political subdivision} with regard to the construction of the structure.
- (c) The total cost of moving or modifying the structure.
- (6) The court may order the remedies authorized under subs. (3) and (4) in addition to or in lieu of any other remedy provided by law.

SECTION 2. Initial applicability.

- (1) This act first applies to actions commenced on the effective date of this subsection.

(END)